

UNITED STATES DISTRICT COURT
DISSENTED
USDC CLERK, FLORENCE, SOUTH CAROLINA
FLORENCE DIVISION

Kevin W. McDaniel #254572
Plaintiff

2010 MAR 19 P 4:15

CASE NO. 4:09-1732-TLW-~~2010 MAR 19~~

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VS.
SC Dept of Corrections et al.
Defendants

NOTICE OF OBJECTION
TO ORDER

my IT PLEASE THIS COURT, Plaintiff files this objection to such order that was filed on Feb 19, 2010 by the Honorable Terry L. Wooten based upon the following grounds:

Plaintiff has attached an Exhibit which is the original Contract from Prison Industry that states: ANY LEGAL ACTIONS should be brought against "THE DEPT OF CORRECTIONS" and NOT THE PRIVATE SECTOR INDUSTRY. THEREFORE THE SC DEPT OF CORRECTIONS HAS MADE A FALSE INMATE AGREEMENT, IF THE CONTRACT STATES ALL SUITS MUST BE BROUGHT AGAINST THE SC DEPT OF CORRECTIONS WHEREAS THE COURTS CITED IN THIS CASE THAT PLAINTIFF CANNOT SUE DEPT OF CORRECTIONS AND THE ATTACHED CONTRACT STATES DIFFERENT. THEREFORE, PLAINTIFF FILES THIS OBJECTION NOTICE TO THE ORDER ON THE GROUNDS THAT THE ATTACHED CONTRACT MISLEADS ANY INMATE WHO WISHES TO FILE ANY CIVIL LITIGATION IN REGARDS TO PRISON INDUSTRY. THE COURTS STATE AN INMATE CANNOT SUE SUCH BECAUSE IT IS A BUILDING etc. BUT PLAINTIFF HEREBY MOVES this Court to Review the attached Contract where MR Carson (Defendant) and Plaintiff Signed on JAN 24, 2008

DENIED

Terry L. Wooten 3-19-10
TERRY L. WOOTEN DATE (Pg. 1. of 2)
U. S. DISTRICT JUDGE

Cont

At this present Moment Plaintiff files this objection based upon the above said grounds and moves this Court to still place S.C Dept of Corrections et al as such defendants based upon the attached Exhibits and Furthermore, Sanction the Dir. of S.C Dept of Corrections against and others who put the false and misleading Contract together and Furthermore set a Trial Date in this instant Case, grant such other Relief as this Court may deem just and proper.

CONCLUSION

WHEREFORE Plaintiff so prays this Court grant said Motion based upon the above said grounds and Leave the S.C Dept of Corrections et al as such defendants and Furthermore, Place Sanctions upon them for their misleading attached Contract.

I SO MOVE

I declare Under Penalty of Perjury the foregoing is True and Correct Executed on: Feb. 24. 2010

1st Kevin W. McDaniels
Kevin W. McDaniels
Reg # 14256-171
U.S.P. McClelland - Unit SHD-131
P.O. Box 3000
Pine Knot, Ky. 42635
(PRO-PE)

(2)
**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
PRISON INDUSTRIES INMATE AGREEMENT**

KEVIN

W. MCDANIELS

254398

SCDC#

_____ a South Carolina Department of Corrections (SCDC) inmate, agree to the terms and conditions regarding the disposition of wages I may receive in the Private Sector/Prison Industries program and I understand that my participation in this program is completely voluntary.

As a voluntary participant, I understand the Director of Corrections will specify the deductions from my wages received under the Private Sector/Prison Industries program in accordance with South Carolina Code Sections 24-3-40, in the following priority:

1. State and Federal Income Taxes;
2. Social Security deductions;
3. Twenty percent (20%) contribution to
 - a. Court ordered payments to a particular victim(s); or
 - b. Court ordered restitution; or
 - c. Victims' Compensation Fund;
4. Thirty-five percent (35%) for child support. OR Twenty-five percent (25%) for room and board;
5. Ten percent (10%) to long term savings;
6. Remainder to Inmate E.H. Cooper Account.

I understand that I will be required to work up to an eight (8) hour day as required by Prison Industries and will be paid only for those hours worked. I further understand that I may have to do shift work and a reasonable amount of overtime. As an inmate of the South Carolina Department of Corrections, I am not considered an employee of the State of South Carolina, and I am not eligible for State offered benefits.

I agree that my assignment to Prison Industries will be for a minimum of one year, provided I meet established production and quality standards, maintain a cooperative attitude and adhere to the conduct rules and all policies and procedures established by the South Carolina Department of Corrections. I understand that I may be terminated by the South Carolina Department of Corrections for security, safety or custody reasons, failure to meet established production and quality standards, failure to maintain a cooperative attitude, and failure to adhere to the policies, procedures and conduct requirements of the South Carolina Department of Corrections.

I further understand that should I be transferred out of the Private Sector/Prison Industries Program, and returned to the general population of the Institution, my pay will revert to the regular inmate wage scale. I also understand that institutional work assignments are not voluntary (they are mandatory), and I will be expected to work at a job within the Institution. Furthermore, I understand that I will not be guaranteed the same job. Earned work credit will be based upon custody designation.

If I am serving life in prison, I will be given the option of having my escrowed wages included in my estate or distributed to persons or entities of my choice.

I understand and agree that I am not an employee of the Private Sector Industry, Appalachian Engineered Floors, to which my labor is being leased. I further agree that should I have any grievance or complaint relating to my participation with or termination from the Prison Industries Program that I will address my complaint with the Department of Corrections, and not the Private Sector Industry. I further understand that any legal actions/suits/claims relating to my participation in the Industries Program should be brought against the Department of Corrections, and not the Private Sector Industry.

I understand that the South Carolina Department of Corrections makes all final determinations regarding hiring and firing of Private Sector/Prison Industries Program participants.

I agree that in order to work in the Private Sector/Prison Industries Program I must provide proof of obtaining a High School Diploma or General Equivalence Degree (GED), or I must be actively attending school working toward a GED. If for any reason I am dropped from school, I will be terminated from my job.

I agree that I have not been found guilty or admitted being guilty of a security violation in the last six (6) months. If during my employment I am found guilty of a security violation, I will be terminated from my job.

In witness thereof, I have voluntarily signed this agreement in the presence of an agency representative.

Kevin W. McDaniels 1-24-08
Inmate Signature / Date

[Signature] 1-24-08
P.I. Business Manager / Date

copy

Kevin W. McDaniels II
Reg # 14256-171
U.S.P. McCreary-Unit #SHU-131
P.O. Box 3000
Pine Knot, KY. 42635

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2010 MAR -1 A 10:36

PROOF OF SERVICE

I Kevin W. McDaniels, do hereby Certify that I have mailed the enclosed NOTICE OF OBJECTION TO ORDER/OPPOSITION TO OZMINTS RESPONSE TO INTERROGATORY to the below listed address by placing said in an envelope with postage pre-paid and affixed for delivery on the 24th day of Feb 2010

To: U.S. District Court
PO Box 2317
Florence, SC 29503

To: Heather Burton
ATTY AT LAW
308 East Saint John St
Sparksboro SC 29302

I Declare Under Penalty of Perjury the foregoing is true and correct. Executed on: Feb 24, 2010

Kevin W. McDaniels
Kevin W. McDaniels
Reg # 14256-171
U.S.P. McCreary-Unit SHU-131
P.O. Box 3000
Pine Knot KY. 42635
(Pro-Se)